IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRL.A.No. 678 of 2000()

CC.186/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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APPELLANT:

K.CHENTHAMARAKSHAN,
S/O.UNNIKRISHNAN,
AGED 29 YEARS,
VADUKAMPADAMKALAM,
MALAMPUZHA, PALAKKAD.

BY ADV. SRI.B.JAYAPARAKASH
SRI.ELDO KURIAKOSE

RESPONDENTS:

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1. GURUVAYOORAPPAN,
S/O.CHATHAPPAN,
THUPPARAKALAM,
THENKURUSSI AMSOM POST,
PALAKKAD TALUK,
PALAKKAD DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.678 of 2000(D)

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Dated this the 8th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.186/1998 in the file of the Judicial Magistrate of the First Class-III, Palakkad, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.678 of 2000(D)

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J U D G M E N T

8th August, 2007